

CALIFORNIA LEGISLATURE  
2017–18 REGULAR SESSION

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# SENATE DAILY JOURNAL

ONE HUNDRED NINETY-FIFTH LEGISLATIVE DAY

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**IN SENATE**

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Senate Chamber, Sacramento  
Wednesday, May 9, 2018

The Senate met at 9 a.m.  
Hon. Jerry Hill, of the 13th District, presiding.  
Secretary Daniel Alvarez at the Desk.  
Assistant Secretary Zachary L. Twilla reading.

**ROLL CALL**

The roll was called and the following Senators answered to their names:  
Allen, Anderson, Atkins, Bates, Beall, Berryhill, Bradford, Cannella,  
De León, Dodd, Fuller, Gaines, Galgiani, Glazer, Hernandez, Hertzberg,  
Hill, Hueso, Jackson, Lara, Leyva, McGuire, Mitchell, Monning,  
Moorlach, Morrell, Newman, Nguyen, Nielsen, Pan, Portantino, Roth,  
Skinner, Stern, Stone, Vidak, Wieckowski, Wiener, and Wilk—39.  
Quorum present.



**CONSIDERATION OF DAILY FILE  
SECOND READING OF SENATE BILLS**

**Senate Bill 1214**—An act to amend Section 17072 of, and to add and repeal Section 17208 of, the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Governance and Finance were read and adopted and the measure ordered printed, engrossed, and re-referred to the Committee on Appropriations.

**Senate Bill 1056**—An act to add Section 214.18 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Governance and Finance were read and adopted and the measure ordered printed, engrossed, and re-referred to the Committee on Appropriations.

**REPORTS OF STANDING COMMITTEES**

**Committee on Rules**

Senate Chamber, May 9, 2018

Mr. President: The Committee on Rules has examined:

SB 1104	SB 1109	SB 1375	SB 1390
SB 1453	SCA 18	SCR 112	

And reports the same correctly engrossed.

ATKINS, Chair

Senate Chamber, May 9, 2018

Mr. President: The Committee on Rules has examined:

SB 1269

And reports the same correctly engrossed.

ATKINS, Chair

**Committee on Judiciary**

Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which was referred:

SB 954

Reports the same back with the recommendation: Do pass as amended.

JACKSON, Chair

Above bill ordered to second reading.



Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which was referred:  
SB 1173

Reports the same back with the recommendation: Do pass as amended, and be ordered to the consent calendar.

JACKSON, Chair

Above bill ordered to second reading.

Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which were referred:  
SB 1431 SB 1436

Reports the same back with the recommendation: Do pass and be ordered to the consent calendar.

JACKSON, Chair

Above bills ordered to second reading.

Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which was referred:  
SCR 128

Reports the same back with the recommendation: Be adopted and be ordered to the consent calendar.

JACKSON, Chair

Above resolution ordered to second reading.

**Committee on Rules**

Senate Chamber, May 8, 2018

Mr. President: The Committee on Rules has examined:

SCR 103 SCR 119 SCR 126 SCR 130

And reports the same have been correctly enrolled and presented to the Secretary of State on the 8th day of May, 2018, at 3:30 p.m.

ATKINS, Chair

**Committee on Judiciary**

Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which were referred:  
SB 838 SB 1235

Reports the same back with the recommendation: Do pass as amended.

JACKSON, Chair

Above bills ordered to second reading.



Date of Hearing, May 8, 2018

Mr. President: The Committee on Judiciary, to which was referred:  
SB 1424

Reports the same back with the recommendation: Do pass as amended.  
JACKSON, Chair

Above bill ordered to second reading.

**Committee on Education**

Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which was referred:  
SB 829

Reports the same back with the recommendation: Do pass and be ordered  
to the consent calendar.

ALLEN, Chair

Above bill ordered to second reading.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which was referred:  
AB 2800

Reports the same back with the recommendation: Do pass and be ordered  
to the consent calendar.

ALLEN, Chair

Above bill ordered to second reading.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which was referred:  
AB 1248

Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Judiciary.

ALLEN, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which was referred:  
AB 2001

Reports the same back with the recommendation: Do pass, but first be  
re-referred to the Committee on Appropriations.

ALLEN, Chair

Above bill re-referred to the Committee on Appropriations.



Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which was referred:  
AB 2009

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Judiciary with the recommendation: To consent calendar.

ALLEN, Chair

Above bill re-referred to the Committee on Judiciary.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Education, to which were referred:  
AB 2285 AB 2319

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations with the recommendation: To consent calendar.

ALLEN, Chair

Above bills re-referred to the Committee on Appropriations.

**Committee on Governance and Finance**

Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which was referred:

SCA 22

Reports the same back with the recommendation: Be adopted, but first be re-referred to the Committee on Elections and Constitutional Amendments.

MCGUIRE, Chair

Above resolution re-referred to the Committee on Elections and Constitutional Amendments.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which was referred:

SCA 19

Reports the same back with the recommendation: Be adopted as amended, but first amend, and re-refer to the Committee on Elections and Constitutional Amendments.

MCGUIRE, Chair

Above resolution ordered to second reading.



Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which were referred:

SB 1091	SB 1182	SB 1212
SB 1253	SB 1417	SB 1484

Reports the same back with the recommendation: Do pass, but first be re-referred to the Committee on Appropriations.

MCGUIRE, Chair

Above bills re-referred to the Committee on Appropriations.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which was referred:

SB 1416

Reports the same back with the recommendation: Do pass.

MCGUIRE, Chair

Above bill ordered to second reading.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which were referred:

SB 1084	SB 1251
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Reports the same back with the recommendation: Do pass and be ordered to the consent calendar.

MCGUIRE, Chair

Above bills ordered to second reading.

Date of Hearing, May 9, 2018

Mr. President: The Committee on Governance and Finance, to which were referred:

SB 1116	SB 1218	SB 1337
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Reports the same back with the recommendation: Do pass as amended, but first amend, and re-refer to the Committee on Appropriations.

MCGUIRE, Chair

Above bills ordered to second reading.

### **Committee on Health**

Senate Chamber, May 9, 2018

Mr. President: The Chair of the Committee on Health, to which was referred:

AB 626

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

HERNANDEZ, Chair



**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 626**—An act to amend Sections 32513 and 35017 of the Food and Agricultural Code, to amend Sections 110460, 111955, 113789, and 114390 of, to add Section 113825 to, and to add Chapter 11.6 (commencing with Section 114367) to Part 7 of Division 104 of, the Health and Safety Code, relating to the California Retail Food Code.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, and re-referred to the committee.

**Committee on Governance and Finance**

Senate Chamber, May 9, 2018

Mr. President: The Chair of the Committee on Governance and Finance, to which was referred:

SB 993

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

MCGUIRE, Chair

**Second Reading of Bills—Author’s Amendments**

**Senate Bill 993**—An act to add Chapter 3.8 (commencing with Section 6305) to Part 1 of Division 2 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, engrossed, and re-referred to the committee.

**Committee on Rules**

State Capitol, May 9, 2018

Mr. President: The Committee on Rules has ordered the following measures to third reading:

SCR 138	SCR 139	SCR 140	SCR 141
SCR 142	SR 109	AJR 38	

**Committee on Natural Resources and Water**

Senate Chamber, May 9, 2018

Mr. President: The Chair of the Committee on Natural Resources and Water, to which was referred:

AB 1617

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

HERTZBERG, Chair



**Second Reading of Bills—Author's Amendments**

**Assembly Bill 1617**—An act to amend Section 710.7 of the Fish and Game Code, and to amend Section 12805.3 of the Government Code, relating to fish and wildlife.

Bill read second time.

The amendments were read and adopted and the measure ordered printed, and re-referred to the committee.

**Committee on Rules**

State Capitol, May 9, 2018

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

James R. Evans, Member, California Gambling Control Commission (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, May 9, 2018

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Robert H. Alvarado, Member, California Transportation Commission (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, May 9, 2018

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Frances (Fran) L. Inman, Member, California Transportation Commission (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.

State Capitol, May 9, 2018

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation of confirmation:

Paul Van Konynenburg, Member, California Transportation Commission (5-0)

ATKINS, Chair

Above appointment ordered to unfinished business.



**CONSIDERATION OF DAILY FILE (RESUMED)  
THIRD READING OF SENATE BILLS**

**Senate Concurrent Resolution 110**—Relative to sex characteristics.

Resolution read third time.

**Amendments Adopted**

Amendments to **SCR 110** proposed by Senator Wiener were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 1039**—An act to add Article 9.5 (commencing with Section 35975) to Chapter 2 of Part 2 of Division 15 of the Food and Agricultural Code, relating to milk.

Bill read third time.

**Amendments Adopted**

Amendments to **SB 1039** proposed by Senator Pan were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 1392**—An act to amend Section 667.5 of the Penal Code, relating to sentencing.

Bill read third time.

**Amendments Adopted**

Amendments to **SB 1392** proposed by Senator Mitchell were read and adopted and the measure ordered printed, engrossed, and to second reading.

**Senate Bill 1393**—An act to amend Sections 667 and 1385 of the Penal Code, relating to sentencing.

Bill read third time.

**Amendments Adopted**

Amendments to **SB 1393** proposed by Senator Mitchell were read and adopted and the measure ordered printed, engrossed, and to second reading.

**INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was offered and referred to the Committee on Rules:

**Senate Joint Resolution 26:** By Senator Dodd (Principal coauthor: Assembly Member Grayson)—Relative to Mare Island Naval Cemetery.



**SENATE COMMITTEE ROLL CALLS****Committee on Education**

**SB 829**—Do pass and be ordered to the consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 1231**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 1248**—Do pass and re-refer to the Committee on Judiciary

AYES (5)—Senators Allen, Galgiani, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 2001**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 2009**—Do pass and re-refer to the Committee on Judiciary with the recommendation: To consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 2285**—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 2319**—Do pass and re-refer to the Committee on Appropriations with the recommendation: To consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

**AB 2800**—Do pass and be ordered to the consent calendar

AYES (6)—Senators Allen, Galgiani, Leyva, Pan, Vidak, and Wilk.

NOES (0)—None.

Date of Hearing: 5/9/2018

Allen, Chair



**Committee on Governance and Finance****SB 958**—Do pass as amended

AYES (4)—Senators Beall, Hertzberg, Lara, and McGuire.

NOES (2)—Senators Moorlach and Nguyen.

**SB 1084**—Do pass and be ordered to the consent calendar

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1091**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1116**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1182**—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

**SB 1202**—Do pass as amended

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1211**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

**SB 1212**—Do pass and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

**SB 1218**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, McGuire, Moorlach, and Nguyen.

NOES (0)—None.



**SB 1246**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hernandez, Hertzberg, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1251**—Do pass and be ordered to the consent calendar

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1253**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1337**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

**SB 1352**—Do pass as amended and re-refer to the Committee on Appropriations

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Nguyen.

NOES (0)—None.

**SB 1416**—Do pass

AYES (5)—Senators Beall, Hertzberg, Lara, McGuire, and Moorlach.

NOES (0)—None.

**SB 1417**—Do pass and re-refer to the Committee on Appropriations

AYES (6)—Senators Beall, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SB 1484**—Do pass and re-refer to the Committee on Appropriations

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SCA 19**—Be adopted as amended and re-refer to the Committee on Elections and Constitutional Amendments

AYES (7)—Senators Beall, Hernandez, Hertzberg, Lara, McGuire, Moorlach, and Nguyen.

NOES (0)—None.

**SCA 22**—Be adopted and re-refer to the Committee on Elections and Constitutional Amendments

AYES (4)—Senators Beall, Hertzberg, Lara, and McGuire.

NOES (2)—Senators Moorlach and Nguyen.

Date of Hearing: 5/9/2018

McGuire, Chair



**Committee on Judiciary****SB 838—Do pass as amended**

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 954—Do pass as amended**

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 1127—Do pass as amended**

AYES (6)—Senators Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (1)—Senator Anderson.

**SB 1128—Do pass as amended**

AYES (6)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, and Stern.

NOES (0)—None.

**SB 1129—Do pass as amended**

AYES (5)—Senators Hertzberg, Jackson, Monning, Stern, and Wieckowski.

NOES (1)—Senator Anderson.

**SB 1167—Do pass**

AYES (2)—Senators Anderson and Moorlach.

NOES (1)—Senator Jackson.

Failed Passage

**SB 1173—Do pass as amended and be ordered to the consent calendar**

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 1235—Do pass as amended**

AYES (4)—Senators Hertzberg, Jackson, Monning, and Wieckowski.

NOES (1)—Senator Anderson.

**SB 1244—Do pass as amended**

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 1265—Do pass as amended**

AYES (4)—Senators Hertzberg, Jackson, Monning, and Wieckowski.

NOES (2)—Senators Anderson and Moorlach.

**SB 1424—Do pass as amended**

AYES (5)—Senators Hertzberg, Jackson, Monning, Stern, and Wieckowski.

NOES (1)—Senator Anderson.



**SB 1431**—Do pass and be ordered to the consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SB 1436**—Do pass and be ordered to the consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

**SCR 128**—Be adopted and be ordered to the consent calendar

AYES (7)—Senators Anderson, Hertzberg, Jackson, Monning, Moorlach, Stern, and Wieckowski.

NOES (0)—None.

Date of Hearing: 5/8/2018

Jackson, Chair

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, May 10, 2018.

NEVA MARIE PARKER, Minute Clerk

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